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1 proposed 10.2, which was percentage of orders  
2 that receive a jeopardy notice. We spoke about  
3 this a little bit at the last discussion.

4 JUDGE NELSON: Did we finish the  
5 discussion?

6 MS. CHAMBERS: I don't think so,  
7 but -- and I -- I have not heard whether  
8 Southwestern Bell has even considered this since  
9 the last date -- or since they've seen it.

10 JUDGE NELSON: Well, I think  
11 they've given us -- the package they gave us  
12 included all the things they were willing to  
13 accept. So I'm assuming by the fact that it's  
14 not in that, that they have not agreed to  
15 include --

16 MS. MALONE: That's --

17 MS. LaVALLE: Is there a  
18 counter-proposal?

19 MS. MALONE: Cindy Malone for  
20 Southwestern Bell.

21 MS. LaVALLE: Cindy, is there a  
22 counter-proposal?

23 MS. MALONE: No, not since our  
24 filing.

25 MS. LaVALLE: Well, this is --

1 always have been there. And I don't see that as  
2 necessarily -- or that that should be  
3 incorporated in this. If it's to measure those  
4 rejects that people were concerned about that we  
5 used to reject after FOC, then I think we're  
6 willing to discuss this. If it's in all  
7 jeopardies, then I think that's the biggest  
8 point of contention that we have.

9 MS. LaVALLE: And there is -- this  
10 is not a novel issue or a unique to Southwestern  
11 Bell or otherwise issue. It's a standard  
12 measure in this kind of environment that you  
13 would report jeopardies. Our only unusual  
14 aspect of it is that it also includes late  
15 rejects, and for that reason, we proposed it be  
16 reported on a disaggregated basis so that we  
17 wouldn't have any disagreement, when the  
18 jeopardy number went up, whether it went up  
19 because you had a bunch of late rejects or  
20 because they had a work crew problem or what the  
21 particular issue was. This is, I think, a gap  
22 in the structure. Like I said, we're hoping  
23 that wouldn't be a threshold issue.

24 MR. KAGELE: This is Tim Kagele,  
25 Time Warner. Time Warner will support our

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1 there's also a companion measure, just so we're  
2 talking about them together, 11.2, which is the  
3 time to return a jeopardy. I was hoping we at  
4 least had an agreement in principle that you  
5 need a measure to capture jeopardies -- we need  
6 a measure to capture jeopardies even before the  
7 new issue in mid-January where late rejects have  
8 to FOC after coming back as jeopardies. I was  
9 hoping that would not be a matter of substantial  
10 debate and we could get into the language, but  
11 we've not seen any criticism of our measure --  
12 nothing concrete for us to counter-respond to.

13 JUDGE NELSON: Mr. Dysart?

14 MR. DYSART: This is Randy Dysart.

15 JUDGE NELSON: Do you dispute that  
16 jeopardy needs to be measured?

17 MR. DYSART: No. I think we're  
18 willing to work on this. I think a couple of  
19 areas of concern here is it includes all  
20 jeopardies. And I think what the intent -- as I  
21 viewed the intent of what we wanted to try to  
22 capture here is those jeopardies that use to be  
23 rejects after FOC. There are still jeopardies  
24 that we send that are based on lack of  
25 facilities. They will always be there. They

1 colleagues at AT&T. We had also proposed two  
2 similar jeopardy measures. Time Warner's  
3 proposed Measurement 1A, which is percentage of  
4 orders given jeopardy notice -- and I will point  
5 out that PacBell has agreed to this very measure  
6 in California.

7 Time Warner has also proposed  
8 Measurement 2A, percentage of orders given  
9 jeopardy notices within 24 hours of the due  
10 date, and it's a timeliness measure. Again, I  
11 think that's in alignment with AT&T's remarks,  
12 and PacBell has agreed to make that measure in  
13 California as well.

14 MS. LaVALLE: And Ameritech has  
15 been required to do that in Michigan as well.

16 JUDGE NELSON: Mr. Dysart, we  
17 don't -- in Texas, we don't like to be behind  
18 these other states.

19 (Laughter)

20 MR. DYSART: Does somebody have a  
21 shovel so I can dig a hole?

22 (Laughter)

23 MR. DYSART: I guess my biggest  
24 issue with this one is a jeopardy -- the  
25 percentage of time we return a jeopardy on lack

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1 of facilities, we're doing it on lack of 2 facilities based on missed due dates. Now we're 3 wanting to initiate another measurement that 4 says I can only have so many jeopardies. 5 Well -- 6 JUDGE NELSON: Can you go back 7 and -- 8 MR. DYSART: Yeah. I would like 9 to. 10 JUDGE NELSON: -- look at what's 11 being done in California and Michigan -- 12 MR. DYSART: We will do that. 13 JUDGE NELSON: -- and look at what 14 you can do and make sure there's no overlap with 15 other measures? 16 MR. DYSART: Most definitely we'll 17 take a look at this. 18 JUDGE NELSON: Okay. I think 19 we've really gone, from a time standpoint, as 20 far as we can go today. There's a couple of 21 things we need to discuss just in closing. One 22 is we have some future dates for some of the 23 sessions, which I'll also announce tomorrow 24 because some of them are DSL specific. And we 25 also have some extremely large homework	1 JUDGE NELSON: Okay. And then the 2 carryover session from yesterday on UNE and 3 UNE-P and resale will be on June 9th. And now 4 comes the homework assignments. 5 MR. KAGELE: Judge Nelson, could 6 you repeat the schedule on 6.9, please? 7 JUDGE NELSON: Sure. It's a 8 carryover from yesterday; UNE, UNE-P, and 9 resale. And it will be all -- it's still a lot 10 of measures. It's -- 11 JUDGE SRINIVASA: Well, resale 12 specials and UNE combinations. 13 JUDGE NELSON: Right. Right. 14 MS. BOURIANOFF: Judge Nelson? 15 JUDGE NELSON: Yes. 16 MS. BOURIANOFF: Can I ask a 17 question about the schedule? 18 JUDGE NELSON: Yes. 19 MS. BOURIANOFF: AT&T proposed a 20 change of management measure. Would you suggest 21 that be addressed on the 6th or on the 8th? 22 JUDGE NELSON: I guess it could be 23 addressed on the 6th. 24 MS. BOURIANOFF: Okay. 25 JUDGE NELSON: And then the	
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1 assignments. 2 Okay. The first session that we have 3 scheduled, which really doesn't relate to PMs, 4 but -- is a DSL working group meeting, which is 5 scheduled for the 15th of May. And we'll 6 announce that at the DSL session tomorrow as 7 well. We're not scheduling any more DSL PM 8 sessions until we make an assessment at the end 9 of tomorrow as to whether or not they're needed. 0 The next session dealing with various 1 issues will take place on June 6th. That will 2 be completion of OSS measures, including where 3 we left off today, beginning with 10.2, 11, 12, 4 and 13. And then billing will also be covered 5 on the 6th, trunking and collocation. 6 On the 8th will be the remaining issues 7 that we have not so far discussed, which I have 8 down as wholesale support, which I think is -- 9 JUDGE SRINIVASA: LSC and LOC? 0 JUDGE NELSON: Actually, 21 1 through 26. LNP and NXX, directory assistance 2 and OSS, 9.11 and BFRs -- none of those are 3 really -- have very many numbers -- and LIDB. 4 Just one moment. 5 (Brief pause)	1 remainder -- like there are some general 2 overview measures that will be discussed on the 3 8th as well. Because everything that we haven't 4 done once will be -- to the extent I haven't 5 included it, it will be discussed on the 8th. 6 Now for these homework assignments. We 7 want all of you who are interested in 8 participating in future PM sessions to work 9 off-line once a week between now and the next 10 session, which is set for the 6th, to try to 11 come to agreement to the extent possible. At 12 least if you can't come to agreement on the PMs 13 themselves, at least come to us with an 14 agreement on what the factual situation is. 15 MR. DYSART: Southwestern Bell -- 16 we're in total agreement. 17 JUDGE NELSON: Okay. So let's 18 start with next week. 19 MR. DYSART: Okay. 20 JUDGE NELSON: And I was 21 envisioning this could happen by conference 22 call. Okay. What day next week -- it would 23 seem like it would be better if you could do one 24 day a week the same day, but that may not be 25 possible. So I guess -- let's plan one day next	
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1 week, and then you can set the other meetings  
2 based on at the time that you have the  
3 conference call next week. Ms. LaValle?

4 MS. LAVALLE: We were wondering  
5 whether next Friday might work for folks for a  
6 conference call.

7 MS. CHAMBERS: That would be  
8 May 12th.

9 JUDGE NELSON: Okay. So the first  
10 one will be May 12th. I'm going to leave it to  
11 you-all to work out among yourselves who sets up  
12 the bridge and all of that.

13 MS. BOURIANOFF: Judge Nelson, I  
14 believe the week after that might pose a  
15 problem, because we have hearings in Oklahoma on  
16 performance measures basically that whole week  
17 except for Tuesday, when we'll be traveling.

18 JUDGE NELSON: Okay. Well, maybe  
19 you can do it -- still do it, you know -- we'll  
20 give you a reprieve that week, and then do it  
21 the following week and the week following that.  
22 Now, there is a possibility there may end up  
23 being a performance measure workshop on June 1st  
24 if DSL performance measures are not finished.  
25 So, in that case -- if you want to pencil that

1 JUDGE NELSON: Right. Y'all can  
2 decide after this Friday what would work for  
3 everybody, but I just -- it's too easy to  
4 just -- everybody scatter and not have one date,  
5 and it's much harder to get people together.

6 MS. HARTLINE: Your Honor, this is  
7 Rina Hartline for Birch Telecom. I know that at  
8 yesterday's session we were talking about the  
9 possibility of having a workshop with  
10 Southwestern Bell to go over how to read our  
11 data and what the data means. Birch would like  
12 to suggest that we do go forward with that  
13 workshop. And if we're going to do that, it  
14 would be a huge help to have the field  
15 identifiers and the raw data available to the  
16 CLECs in advance of that workshop so that we'll  
17 have something in front of us to know what we're  
18 reading.

19 JUDGE NELSON: Okay. Can you guys  
20 get together and agree on a date?

21 MR. KAGELE: Your Honor, this is  
22 Tim Kagele, Time Warner. Consistent with  
23 Ms. Hartline's comments, Randy Dysart and I did  
24 talk off-line a little bit yesterday about what  
25 Southwestern Bell's interest would be in having

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1 in. But in that case, you would have two full  
2 days, at least, to resolve some of these issues.

3 MS. MUDGE: Judge Nelson -- this  
4 is Katherine Mudge. With respect to setting the  
5 agenda for each of these conference calls, is  
6 there a -- I'm trying to figure out how the  
7 agenda will be set. Certainly --

8 JUDGE NELSON: I would start out  
9 with the OSS measures that people are supposed  
10 to be getting back on --

11 MS. MUDGE: Yes, ma'am.

12 JUDGE NELSON: -- for the one next  
13 Friday. And I believe there's a carryover on  
14 some of the UNE and UNE-P measures that we  
15 discussed yesterday that could also be  
16 discussed. I would take the cue from the  
17 sessions we're already having. I'm sure there  
18 can be a DSL day or half day also, so --

19 MS. MUDGE: Thank you. I just  
20 wanted to get --

21 MS. LAVALLE: And AT&T is not  
22 proposing that we always do them on Friday. We  
23 were just proposing that as a first launch date.  
24 So the folks can check their calendars and see  
25 if --

1 a consolidated format relative to the reported  
2 Web site data between Ameritech, Southwestern  
3 Bell, SNAT, and PacBell. Southwestern has  
4 indicated they're very interested in doing that,  
5 so I would suggest that we incorporate that  
6 discussion in this series of conference calls  
7 and maybe come to some understanding. I think  
8 there seems to be some general interest by the  
9 CLECs as well to want to do that.

10 MR. DYSART: Yeah. This is Randy  
11 Dysart. I'm all for doing that, except I don't  
12 want to -- I don't want to clutter it up in  
13 trying to get these things done.

14 JUDGE NELSON: Right. I agree.

15 MR. DYSART: So I don't want to  
16 incorporate it in there. I want to keep them  
17 separate issues.

18 MS. HARTLINE: I think that they  
19 should just proceed separately. But we did want  
20 to note --

21 JUDGE NELSON: Okay. So, to that  
22 extent, you guys can get together off-line and  
23 agree on a date, then bring it back up here  
24 tomorrow.

25 MS. HARTLINE: Okay. We'll let

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1 you know. Thank you.  
2 JUDGE NELSON: And if you don't  
3 bring a date back, then you don't get to come  
4 tomorrow.  
5 (Laughter)  
6 MR. DYSART: I don't? Darn.  
7 JUDGE NELSON: Okay. Let's  
8 adjourn for today. Thank you.  
9 (Proceedings adjourned at  
0 5:05 p.m.)  
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4 We, Nancy Salinas, Rachelle Latino and  
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